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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jury '08 CR 0899BTM

UNITED STATES OF AMERICA, Plaintiff, v. FRANCISCO DEL TORO (1), DIONERY MEDINA-SOTO (2), REYNALDO CRUZ-GONZALEZ (3), Defendants.	Criminal Case No. ______ I N D I C T M E N T Title 18, U.S.C., Sec. 371 - Conspiracy; Title 8, U.S.C., Sec. 1324(a)(2)(B)(ii) - Bringing in Illegal Aliens for Financial Gain; Title 18, U.S.C., Sec. 2 - Aiding and Abetting; Title 8, U.S.C., Secs. 1324(a)(1)(A)(iii) and (v)(II) - Harboring Illegal Aliens and Aiding and Abetting

The grand jury charges:

Count 1
(Conspiracy)

Beginning on a date unknown to the grand jury and continuing up to and including on or about March 3, 2008, in San Diego County, within the Southern District of California, and elsewhere, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, and others known and unknown to the Grand Jury, conspired and agreed with each other to commit the following offense against the United States:

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To bring to the United States for the purpose of obtaining private financial gain, aliens, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter, or reside in the United States, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

MANNERS AND MEANS

The objects of the conspiracy were to be accomplished, in substance, as follows:

1. Aliens who had not received prior official authorization to come to, enter, or reside in the United States, would meet with known and unknown co-conspirators in Mexico and arrange to be smuggled into the United States in exchange for payment of a fee.

2. Defendants DIONERY MEDINA-SOTO, REYNALDO CRUZ-GONZALEZ, and unknown co-conspirators, would smuggle the illegal aliens across the Mexican border into the United States in the trunks of vehicles.

3. Defendants DIONERY MEDINA-SOTO, REYNALDO CRUZ-GONZALEZ, and unknown co-conspirators, would transport the aliens to a house located at 21 East 2nd Street, National City, California (hereinafter "the Load House").

4. Defendant FRANCISCO DEL TORO would harbor, conceal, and shield from detection the smuggled aliens at the Load House until the aliens were transported and moved to another location within the United States en route to their ultimate destination.

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OVERT ACTS

In furtherance of said conspiracy and to effect and accomplish the objects thereof, the following overt acts, among others, were committed within the Southern District of California, and elsewhere:

1. On or about or before February 14, 2008, unknown co-conspirators brought aliens, including Mariana Gonzalez-Perez, Ricardo Guinto-Gonzalez, and Margarito Sevillano-Garcia (hereinafter "the February 14th Aliens") across the Mexican border into the United States.

2. On or about February 14, 2008, unknown co-conspirators transported the February 14th Aliens to the Load House.

3. On or about February 14, 2008, defendant FRANCISCO DEL TORO harbored, concealed, and shielded from detection the February 14th Aliens at the Load House.

4. On or about February 14, 2008, co-conspirator Diego Torres (charged elsewhere) transported and moved the February 14th Aliens in a vehicle northbound on the Interstate 15 freeway.

5. On or about or before March 3, 2008, defendant DIONERY MEDINA-SOTO brought aliens, including Felipe Barba-Garcia and Manuel Leyva-Romero (hereinafter "the March 3rd Aliens") across the Mexican border into the United States through the San Ysidro, Port of Entry.

6. On or about March 3, 2008, defendant DIONERY MEDINA-SOTO transported the March 3rd Aliens to the Load House.

7. On or about or before March 3, 2008, defendant REYNALDO CRUZ-GONZALEZ brought aliens across the Mexican border into the United States through the San Ysidro, Port of Entry.

8. On or about March 3, 2008, defendant REYNALDO CRUZ-GONZALEZ transported the aliens to the Load House.

9. On or about March 3, 2008, defendant FRANCISCO DEL TORO harbored, concealed, and shielded from detection the March 3rd Aliens at the Load House.

All in violation of Title 18, United States Code, Section 371.

Count 2
(Bringing in Illegal Aliens for Financial Gain)

On or about March 3, 3008, within the Southern District of California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Manuel Leyva-Romero, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

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Count 3
(Bringing in Illegal Aliens for Financial Gain)

On or about March 3, 2008, within the Southern District of California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Felipe Barba-Garcia, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Count 4
(Bringing in Illegal Aliens for Financial Gain)

On or about March 3, 2008, within the Southern District of California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, whose name is unknown to the grand jury, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

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Count 5
(Bringing in Illegal Aliens for Financial Gain)

On or about February 11, 2008, within the Southern District of California, defendants FRANCISCO DEL TORO, DIONERY MEDINA-SOTO, and REYNALDO CRUZ-GONZALEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Patricia Rumbo-Magana, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Count 6
(Harboring Illegal Aliens)

On or about March 3, 2008, within the Southern District of California, defendant FRANCISCO DEL TORO, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Manuel Leyva-Romero, had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection and attempt to conceal, harbor and shield from detection such alien in a building located at 21 East 2nd Street, National City; in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (v)(II).

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Count 7
(Harboring Illegal Aliens)

On or about March 3, 2008, within the Southern District of California, defendant FRANCISCO DEL TORO, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Felipe Barba-Garcia, had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection and attempt to conceal, harbor and shield from detection such alien in a building located at 21 East 2nd Street, National City; in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (v)(II).

DATED: March 26, 2008.

A TRUE BILL:

Foreperson

KAREN P. HEWITT
United States Attorney

By:
REBECCA S. KANTER
Assistant U.S. Attorney